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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JUSTIN TYLER VANDEGRAAF,

Case No.: 6:08-cv-6314-HO

Plaintiff,

**RESPONSE TO DEFENDANT CITY OF
EUGENE'S CONCISE STATEMENT OF
FACTS**

vs.

**CITY OF EUGENE, A MUNICIPALITY;
OFFICER J. SHARLOW (No. 388), in his
individual capacity and as a police official for
the City of Eugene,**

Defendants.

RESPONSE

(1) Plaintiff admits the fact asserted in paragraph 1 as set forth by Defendant City of Eugene.

(2) Plaintiff has no knowledge upon which to support a reasonable belief of the fact asserted in paragraph 2 as set forth by Defendant City of Eugene.

(3) Plaintiff has no knowledge upon which to form a reasonable belief of the fact asserted in paragraph 3 as set forth by Defendant City of Eugene.

- (4) Plaintiff admits the fact asserted in paragraph 4 as set forth by Defendant City of Eugene.
- (5) Plaintiff admits the fact asserted in paragraph 5 as set forth by Defendant City of Eugene.
- (6) Plaintiff admits that he is aware that officers spoke with Ms. Tiffanie Jones as set forth in paragraph 6 by Defendant City of Eugene. Plaintiff has no knowledge upon which to form a reasonable belief as to whether Ms. Jones was hysterical or what was said by her to officers Sharlow and Vriem.
- (7) Plaintiff has no knowledge upon which to form a reasonable belief as to what Ms. Jones told officers Sharlow and Vriem as set forth in paragraph 7.
- (8) Plaintiff has no knowledge upon which to form a reasonable belief as to what Ms. Jones told officers Sharlow and Vriem as set forth in paragraph 8.
- (9) Plaintiff admits the fact in paragraph 9 as set forth by Defendant City of Eugene.
- (10) Plaintiff admits the fact asserted in paragraph 10 as set forth by Defendant City of Eugene.
- (11) Plaintiff admits the fact asserted in paragraph 11 as set forth by Defendant City of Eugene.
- (12) Plaintiff admits the fact asserted in paragraph 12 as set forth by Defendant City of Eugene.
- (13) Plaintiff admits the fact asserted in paragraph 13 as set forth by Defendant City of Eugene.
- (14) Plaintiff denies, in part, the fact asserted in paragraph 14 as set forth by Defendant

City of Eugene. Plaintiff recalls there was no verbal exchange with Officer Sharlow.

- (15) Plaintiff denies the fact asserted in paragraph 15 as set forth by Defendant City of Eugene.
- (16) Plaintiff denies that the fact asserted in paragraph 16 occurred.
- (17) Plaintiff denies that the fact asserted in paragraph 17.
- (18) Plaintiff admits that the fact asserted in paragraph 18 in part.
- (19) Plaintiff has no recollection of whether he was conscious at the hospital as asserted in paragraph 19.
- (20) Plaintiff has no knowledge upon which to form a reasonable belief of the fact asserted in paragraph 20 as set forth by Defendant City of Eugene.
- (21) Plaintiff denies the fact asserted in paragraph 21 by Defendant City of Eugene.
- (22) Plaintiff has no knowledge upon which to form a reasonable belief of the fact asserted in paragraph 22 as set forth by Defendant City of Eugene.
- (23) Plaintiff denies the fact asserted in paragraph 23 by Defendant City of Eugene.
- (24) Plaintiff has no knowledge upon which to form a reasonable belief of the fact asserted in paragraph 24 as set forth by Defendant City of Eugene.
- (25) Plaintiff has no knowledge upon which to form a reasonable belief of the fact asserted in paragraph 25 as set forth by Defendant City of Eugene.

Dated this 26th day of August, 2009.

/s/ Michael Vergamini

Michael Vergamini
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on September 3, 2009, I served or caused to be served a true and complete copy of the foregoing **RESPONSE TO DEFENDANT CITY OF EUGENE'S CONCISE STATEMENT OF FACTS** on the party or parties listed below as follows:

 X Via CM / ECF Filing
 Via First Class Mail, Postage Prepaid
 Via Email
 Via Personal Delivery

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Of Attorneys for Defendants

By: /s/ Michael Vergamini
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